

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-25. Claims 13-18 and 20, 22-24 are amended herein and claims 2-12 are cancelled herein without prejudice. New claims 26-36 are added. No new matter is presented.

Thus, claims 1 and 13-36 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112¶2:

At item 3 of the outstanding Office Action, the Examiner rejected claims 1-24 as being indefinite. The pertinent claims are amended herein to comply with the requirements of § 112¶2.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(e):

Claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pub. No. 2001/0037205 (Joao). As mentioned above, claims 2-12 are cancelled herein.

Joao is directed to effectuating an affiliated marketing relationship by identifying a content provider referring a user and calculating a commission and a referral fee due to the content provider. In Joao, a content provider computer (20) is associated with the content provider for providing information to the user, various merchants, sellers, etc. (see, paragraphs 18 and 82), and when the user makes a purchase from a merchant's computer (30), the content provider computer (20) is notified of the purchase for allocating a commission fee (see, paragraphs 100, FIG. 3C and corresponding text).

In contrast to Joao, the present invention provides a consumer with advertising information of goods that the consumer finds on another person. As such, the present invention enables a person wearing, carrying or otherwise associated with particular goods to act as an advertisement medium for the particular goods.

For example, the present invention allows a first person who is associated with a good such as an article of clothing having advertising information stored in a personal portable wireless communication device of the first person, to directly transmit the advertising information to a second person who likes the good to a portable wireless communication device that the second person carries.

Independent claim 1, by way of example, recites, “storing in a storage unit of a portable terminal device carried by an advertisement medium person, advertising information about goods the advertisement medium person is wearing or carrying or has associated with them” and “transmitting the advertising information stored in the storage unit by a wireless signal upon receipt of a request to transmit advertising information from another portable terminal device.”

Independent claim 13 recites, “receiving a user entry of a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods” and “distributing advertising information about the goods to a portable terminal device of the person who has gained user entry.” Accordingly, the present invention retrieves “a corresponding advertisement” and distributes the advertisement to “another portable terminal device of a consumer” when a request is received according to “advertising information transmitted from the portable terminal device of the person acting as the advertisement medium to the portable terminal device of a consumer.” Independent claims 14, 16-18 and 23 also recite similar features.

Independent claim 15 recites, “distributing advertising information about goods to a portable terminal device at a request of a person wearing or carrying pre-assigned goods who is acting as an advertisement medium for the goods; and “giving an advertising reward to the person acting as the advertisement medium who has provided the advertising information.”

Independent claim 20 recites, “storing user-specified information and a profile about the person and advertisement specified information for designation of advertising information about goods the person acting as the advertisement medium is wearing or carrying” and “retrieving the advertisement medium having a matching or similar profile to a profile specified by a consumer” for distributing advertising information of goods. Independent claims 22 and 24 also recite similar features.

Independent claim 25 recites, “a first portable device allowing an advertiser to enter and store advertising information therein and allowing the advertiser to wirelessly transmit the advertising information responsive to a request.” As also recited in claim 25, the system includes “a second portable device allowing a consumer to wirelessly request the advertising information stored in the first portable device” and display “the advertising information wirelessly received from the first portable device.”

Joao does not teach or suggest providing advertising information from “a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods” (claims 13-18, 20, 22-24), “advertisement medium person wearing or carrying or associated with [the goods]”

(claim 1) and "first and second portable devices" exchanging advertising information (claim 25).

It is submitted that the independent claims are patentable over Joao.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Joao. The dependent claims are also independently patentable. For example, as recited in claim 19, "said user information comprises user-specified information, information designating whether or not an advertisement can be distributed, a term of distribution, and information designating access destination for advertising information."

Joao user information of a person acting as an advertisement medium including "user-specified information, information designating whether or not an advertisement can be distributed, a term of distribution, and information designating access destination for advertising information", as recited in claim 19.

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIMS:

New claims 26-36, including independent claims 26, 28, 30, 31, 33 and 35 are added herein.

New independent claim 26, by way of example recites "receiving... a reviewing request, which contains user identifying information of a plurality of advertisement medium persons each wearing or carrying goods to act as an advertisement medium and goods search conditions" and "finding advertising information of the goods conforming to the received goods search conditions among the goods connected to the determined advertisement medium persons." This enables the server device to determine which advertisement medium persons are wearing or carrying goods that are of the consumer's interest and delivers the advertising information for these goods. New claims 28 and 33 also recite similar features.

New independent claim 30 also recites, "a profile for selectively determining the advertisement medium persons", "finding advertising information of the goods connected to the determined advertisement medium persons" and "delivering the found advertising information to the portable terminal device of the consumer." New claims 31 and 35 also recite similar features.

Joao does not teach or suggest the above features of the new independent claims including "advertisement medium persons each wearing or carrying goods to act as an

advertisement medium.”

For at least the above-mentioned reasons, claims depending from the independent claims are also patentably distinguishable over Joao.

Therefore, new claims 26-36 are distinguishable from Joao.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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